IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26711 of 2007(E)

AGAINST THE ORDER IN IA 1196/07 IN
AS.119/2007 of SUB COURT, MUVATTUPUZHA
OS.28/2003 of MUNSIFF COURT,MUVATTUPUZHA
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PETITIONER:

SEBASTIAN @ DEVASSIA, S/O.OUSEPH,
PALLIMUKULEL HOUSE, KARAKKUNNEM,
PUTHUPPADY, KOTHAMANGALAM.

BY ADV. SRI.VINOD RAVINDRANATH
SRI.C.DILIP

RESPONDENTS:
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1. P.M.ABRAHAM, S/O.MATHAI, PULICHIYIL HOUSE, PUTHUPPADY, KOTHAMANGALAM.

2. JOSE SEBASTIAN, S/O.SEBASTIAN, PALLIMUKALEL HOUSE, KARAKKUNNAM, PUTHUPPADY, KOTHAMANGALAM.

3. THRESSIAKUTTY, W/O.SEBASTIAN, PALLIMUKALEL HOUSE, KARAKKUNNAM, PUTHUPPADY, KOTHAMANGALAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.26711 of 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

This Writ Petition is filed against Ext.P2 order whereby the Subordinate Judge, Muvattupuzha granted stay of the execution proceedings in O.S.No.28 of 2003 on furnishing security of Rs.29,000/- before the Execution Court within one month from 8.8.2007. Learned counsel for the writ petitioner submitted before me that during trial itself, the property belonging to the defendants has been attached and the attachment is still alive.

2. If the property is already attached and it forms a sufficient security for the decreetal amount, then I permit the Executing Court to consider the question and pass orders accordingly. What is to be protected is to safeguard the decree holder for realisation of the amount, if ultimately he succeeds in the case.

With this modification of Ext.P2 order, Writ Petition is disposed of.

M.N.Krishnan,
Judge.

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